No. 200700451

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Texas Agricultural Experiment Station

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) MAY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.).

OAT

'TAMO 606'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of December, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions* — Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER
Texas Agricultural Experiment Station

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
TX96D093

3. VARIETY NAME
TAMO 606

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
Office of the Director, TAES
2147 TAMU
College Station, TX 77843-2147

5. TELEPHONE *(Include area code)*
979-845-4747

6. FAX *(Include area code)*
979-458-4765

FOR OFFICIAL USE ONLY

PVPO NUMBER
#200700451

FILING DATE
Sept. 25, 2007

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)*
Texas State Research Agency

8. IF INCORPORATED, GIVE STATE OF INCORPORATION

9. DATE OF INCORPORATION

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. *(First person listed will receive all papers)*
Janie Hurley, Licensing Mgr., Office of Technology Commercialization
The Texas A&M University System
3369 TAMU
College Station, TX 77843-3369

FEES RECEIVED
FILING AND EXAMINATION FEES:
$ 4382.00
DATE 9/25/2007
CERTIFICATION FEE:
$ 768.00
DATE 10/30/07

11. TELEPHONE (Include area code)
979-847-8682

12. FAX (Include area code)
979-845-1402

13. E-MAIL
jhurley@tamu.edu

14. CROP KIND *(Common Name)*
Oat

16. FAMILY NAME *(Botanical)*
Poaceae

15. GENUS AND SPECIES NAME OF CROP
Avena sativa

17. IS THE VARIETY A FIRST GENERATION HYBRID?
☐ YES ☑ NO

18. DOES THE VARIETY CONTAIN ANY TRANSGENES? ***(OPTIONAL)***
☐ YES ☑ NO
IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERICALIZATION. _____

19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED
(Follow instructions on reverse)
- a. ☑ Exhibit A. Origin and Breeding History of the Variety
- b. ☑ Exhibit B. Statement of Distinctness
- c. ☑ Exhibit C. Objective Description of Variety
- d. ☑ Exhibit D. Additional Description of the Variety *(Optional)*
- e. ☑ Exhibit E. Statement of the Basis of the Owner's Ownership
- f. ☑ Exhibit F. Declaration Regarding Deposit
- g. ☑ Voucher Sample *(3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)*
- h. ☑ Filing and Examination Fee ($4,382), made payable to "Treasurer of the United States" *(Mail to the Plant Variety Protection Office)*

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☑ YES *(If "yes", answer items 21 and 22 below)* ☐ NO *(If "no", go to item 23)*

21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES?
☑ YES ☐ NO
IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☑ YES ☐ NO
IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS.
[3] FOUNDATION [5] REGISTERED [7] CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.)

23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?
☑ YES ☐ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. *(Please use space indicated on reverse.)*

24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT *(PLANT BREEDER'S RIGHT OR PATENT)*?
☐ YES ☑ NO
IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. *(Please use space indicated on reverse.)*

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42; and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER		SIGNATURE OF OWNER	
Mark A. Hussey			
NAME *(Please print or type)*		NAME *(Please print or type)*	
Mark A. Hussey			
CAPACITY OR TITLE	DATE	CAPACITY OR TITLE	DATE
Director, TAES	9/9/07		

(See reverse for instructions and information collection burden statement)

#200700451

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable *(in the sense that it will reproduce an entire plant)* tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for $4,382 ($518 filing fee and $3,864 examination fee), payable to "Treasurer of the United States" *(See Section 97.6 of the Regulations and Rules of Practice).* **NEW:** With the application for a seed reproduced variety **or by direct deposit soon after filing**, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to **reproduce** the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of $768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. *(See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)*

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVPOmail@usda.gov
Homepage: http://www.ams.usda.gov/science/pvpo/PVPindex.htm

SPECIFIC INSTRUCTIONS:
To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. http://www.ams.usda.gov/lsg/seed.htm.

ITEM

19a. Give:
(1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified

19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

(1) identify these varieties and state all differences objectively;
(2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, *etc.*

19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

20. If "Yes" is specified *(seed of this variety be sold by variety name only, as a class of certified seed)*, the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. *(See Regulations and Rules of Practice, Section 97.103).*

23. *See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.*

24. *See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.*

22. CONTINUED FROM FRONT *(Please provide a statement as to the limitation and sequence of generations that may be certified.)*

23. CONTINUED FROM FRONT *(Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)*

Nov. 10, 2006 - Commercial exploitation agreement entered into with Amigos Genetics, LLC for commercial production (U.S.)

24. CONTINUED FROM FRONT *(Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)*

#200700451

Exhibit A

Origin and Breeding History – 'TAMO 606' Oat

'TAMO 606' (experimental designation TX96D093) is a medium-late maturing, short stature oat variety developed by the Texas Agricultural Experiment Station (TAES). In 1991, the Northup King Seed Company donated its oat germplasm to the USDA/ARS for distribution to public oat breeding programs. In cooperation with the University of Florida, the germplasm (approximately 100,000 accessions) was grown at Quincy, FL during the 1991-92 growing season. Public oat breeding programs where invited to evaluate the germplasm and identify accessions they wanted to test further. Russell Sutton went to Quincy in April 1992 to make selections on behalf of the Texas Agricultural Experiment Station small grains breeding program at Dallas, TX. Mr. Sutton identified 347 promising accessions and these were grown at Prosper, TX in 1993 (year of harvest). One of these accessions, with the designation 'X466-1-B5' and the pedigree 'Citation'//'Obee'*2/*Avena fatua* was subsequently selected for good plant type and disease resistance, then advanced to the 1994 Dallas Oat Preliminary II trial. Because of a variable plant type, 43 individual panicles were selected from the plot and grown as separate rows in 1995 at Prosper. One of these rows was selected for good plant type and disease resistance, and grown as a single plot in 1996 at Prosper. This plot, designated TX96D093, was subsequently advanced to the replicated 1997 Dallas Oat Advanced II trial and grown at both Dallas and Prosper, TX. TX96D093 was advanced to the Texas statewide Uniform Oat Elite (UOE) trial in 1998. In addition, TX96D093 was grown in the USDA/ARS Uniform Winter Oat Yield Nursery from 1999 through 2002. In 2001, 160 panicles were visually selected for uniform plant type and the bulked seed from the visually uniform rows was subsequently increased in 2002 and 2003 to produce Breeder's Seed.

TAMO 606 has been observed for 6 generations during reproduction and seed increase, and is stable and uniform. A variant of fatuoid oats has been identified at a rate of up to .1% under some environmental conditions. This variant is commercially acceptable and predictable.

Exhibit B

Statement of Distinctness – 'TAMO 606' Oat

'TAMO 606' (TX96D093) is a medium-late maturing, short stature oat variety that is a high grain- and forage-producer, and is adapted to north Texas and similar areas in adjacent states. TAMO 606 tends to be later maturing than prevalent oat cultivars grown in north Texas and generally has shown a yield advantage when environmental conditions allow a longer growing season. TAMO 606 is moderately short in height, with very little lodging and has a good record of forage production in Texas and Oklahoma. TAMO 606 is susceptible to the crown (caused by *Puccinia coronata*) and stem rust (caused by *P. graminis* f. sp. *avenae*) races prevalent in Texas.

'TAMO 606' is most similar to 'Dallas' oat in its characteristics. However, TAMO 606 differs from 'Dallas' in that: (i) 'TAMO 606' is later maturing (2 days later) than 'Dallas' (109 days vs. 107 days).

Compared with 'Dallas' (the most prevalent oat cultivar currently being grown in north Texas), TX96D093 tends to be later maturing. Table 1 provides heading date data of TX96D093, Dallas, and other cultivars in north Texas.

Table 1. Heading Date of TX96D093 (TAMO 606) with Dallas and other check cultivars in north Texas locations from 1999 to 2001.

Cultivar	Heading Date Prosper 2000-01	Heading Date Dallas 2000-01	Heading Date Era 1999-00
TX96D093	122	121	100
Dallas	120	118	98
811	117	111	82
Harrison	119	117	94
Mean	119.7	115.9	93.4
LSD(5%)	1.6	2.1	1.9
CV(%)	2.3	3.3	1.1

In north Texas over four years of testing, the average heading date (the date from January 1 on which 50% of the panicles were more than half emerged from the boot) of TX96D093 was 109.3 days (approximately April 19). This heading date for TX96D093 was significantly (P=0.05) later than all the other check cultivars.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY
Oat (*Avena* spp.)

NAME OF APPLICANT (S)	TEMPORARY OR EXPERIMENTAL DESIGNATION	VARIETY NAME
Texas Agricultural Experiment Station	TX96D093	TAMO 606

ADDRESS (*Street and No. or RD No., City, State, Zip Code, and Country*)	FOR OFFICIAL USE ONLY PVPO NUMBER
2147 TAMU College Station, TX 77843	#200700451

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (i.e. [0][8][9] or [0][9]) when the number is either 99 or less or 9 or less.

1. SPECIES:

[1] 1 = *Sativa* 2 = *Byzantina* 3 = Other (Specify) _____

2. GROWTH HABIT:

[2] 1 = Winter 2 = Semi-Winter 3 = Spring

[2] Juvenile Growth: 1 = Prostrate 2 = Semi-Prostrate 3 = Erect

3. MATURITY: (50% Flowering)

[1][0][9] Number of days

[ ][ ] No. Days Earlier Than * _____

Same as Check * _____

[0][2] No. of Days Later Than * Dallas

[3] Season: 1 = Very Early (Jaycee) 2 = Early (Nodaway 70) 3 = Midseason (Clintford) 4 = Late (Lodi) 5 = Very Late (Gerry) 6 = Extremely Late (Mackinaw)

4. PLANT HEIGHT: (From Soil Level to Top of Head)

[0][9][3] cm Tall

[0][2] cm Shorter Than * Dallas

Same as Check * _____

[0][2] cm Taller Than * Florida 501

* Relative to a Commercial Variety Grown in the Same Trial

5. STEM:

[2] Diameter: 1 = Fine (Kherson) 2 = Medium (Clintford) 3 = Coarse (Nodaway 70)

[2] Hairiness at Upper Culm Nodes: 1 = Hairless 2 = Hairy

[1] Mature Stem Color 1 = Yellow 2 = Reddish

6. LEAF: (Leaf Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[1] Carriage: 1 = Drooping (Random) 2 = Erect (Walken)

[4] Color: 1 = Yellow Green 2 = Light Green 3 = Dark Green 4 = Blue Green

[1 5] mm Width (First leaf below flag leaf) [1] Leaf Margin: 1 = Glabrous 2 = Ciliate

[2] Ligule: 1 = Absent 2 = Present [1] Leaf Sheath: 1 = Hairless 2 = Hairy

7. HEAD:

[1] Panicle Shape: 1 = Equilateral 2 = Intermediate 3 = Side Panicle (Unilateral)

[1] Attachment of Lower Whorl of Branches: 1 = First Node 2 = Second Node (False Node)

[2] Panicle Size: 1 = Samll (Yancey) 2 = Medium (Walken) 3 = Large (Markton)

[2] Panicle Width: 1 = Narrow (Gopher) 2 = Midbroad (Yancy) 3 = Broad (Nodaway 70)

[1 5] cm Panicle Length [1 2] Number of Branches [- -] Number of Whorls of Branches

[2] Position of Branches: 1 = Ascending (Yancey) 2 = Spreading (Cayuse) 3 = Drooping (Markton) 4 = Pectinate (White Tarter) 5 = Confused (Storm King

8. RACHIS:

[2] 1 = Recurved (Yancey) 2 = Erect (Walken) [2.] mm Second Floret Rachilla Segment Length

[1] Second Floret Rachilla Segment: 1 = Hairless 2 = Hairy [-] Rachilla Hairs: 1 = Short 2 = Long

9. SPIKELET:

[2] Spikelet Separation by: 1 = Abscission 2 = Semi-Abscission 3 = Fracture

[2] Floret Separation by: 1= Disarticulation 2 = Heterofracture 3 = Basifracture

[2.] Florets per Spikelet (Mean no.)

10. GLUMES: (Glume Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[0 3] mm Width [1 8] mm Length [0 7] No. of Veins on Glumes [4] Color: 1 = White 2 = Yellow 3 = Red 4 = Striped

11. LEMMA: (Lemma Color: The Royal Horticultural Society's or any recognized color chart should be used to determine the leaf color of the described variety.)

[1 4] mm Length [1] Color: 1 = White 2 = Yellow 3 = Red 4 = Gray 5 = Black

[ ] Hairiness of Dorsal Surface: 1 = Hairless 2 = Hairy

12. AWN: (First Floret)

[2] Occurrence: 1 = Absent (Walken) 2 = Infrequent (Yancey) 3 = Common (Chilocco) 4 = Frequent (Random)

[1] Type: 1 = Non-twisted 2 = Twisted 3 = Twisted Geniculate

[1 0] mm Awn Length

6

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13. SEED:

[-] [1] Florescence Under Ultraviolet Light: 1 = Florescent 2 = Non-florescent

Basal Hair: 1 = Absent (Florida 501) 2 = Absent to Few (Yancey) 3 = Few to Several (Lee)
4 = Several to Numerous (Florilee) 5 = Numerous (Red Rustproof)

[ ].[ ] mm Basal Hair Length

[2][9].[8] gms per 1000 Seeds

[2][0] mg Groat Weight (Each)

[-][-].[ ] % Groat Protein

[-][-].[ ] % Groat Oil

14. INSECTS: (0 = Not Tested 1 = Susceptible 2 = Resistant)

[0] Cereal Leaf Beetle [0] Bluegrass Billbug [0] Grain Bug (C. Sayi) [0] Nematode (Type)

[0] Green Bug (Biotype) _____ [ ] Other (Specify) _____

15. DISEASE: (0 = Not Tested 1 = Susceptible 2 = Resistant)

[0] Halo Blight [0] Powdery Mildew [0] Septoria Leaf Blotch [0] Soil-Borne Mosaic

[0] Helminthosporium Leaf Blotch [1] Yellow Dwarf Virus [0] Victoria Blight [ ] Other (Specify) _____

Specify Races Tested:

[1] Crown Rust
[1] Stem Rust
[1] Covered Smut
[1] Loose Smut

Races Susceptible	Races Resistant
Field races in Texas	

16. INDICATE THE VARIETY YOU BELIEVE MOST CLOSELY TO RESEMBLE THAT SUBMITTED:

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant Tillering	Dallas	Leaf Color	Dallas
Leaf Size	Tamo 397	Leaf Carriage	Dallas
Seed Color	Dallas	Seed Shape	Dallas

COMMENTS:

7

Exhibit D

Additional Description – 'TAMO 606' Oat

Agronomic Characteristics

The height of TX96D093 tends to be somewhat short (36.7 inch average). Lodging of TX96D093 has not been a problem at north Texas locations (data not shown). The winter hardiness of TX96D093 appears to be adequate. During the 5 years of testing (1999-2003) there were no discernible differences for winter survival among TX96D093 and any of the commercially available oat cultivars grown in north Texas.

Yield

Compared with 'Dallas' (the most prevalent oat cultivar currently being grown in north Texas), TX96D093 tends to be later maturing and has a greater yield and test weight when the growing season is long and a similar yield under shorter growing seasons. Table 2 (data extracted from Tables 3-5) summarizes performance data of TX96D093 and Dallas in north Texas and Oklahoma.

Table 2. Side by side comparison of TX96D093 with Dallas in north Texas and Oklahoma locations from 1999 to 2004. Details can be found in Tables 2-4.

	Grain Yield (bu/a)	Test weight (lb/bu)	Forage Yield (lb/a)
TX96D093	101.7	36.6	5677
Dallas	96.2	35.4	5710
site-years	14	11	7

Grain Yield in north Texas and Forage Yield in north Texas and Oklahoma

TX96D093 had a five-year mean grain yield of 101.7 bushels/acre in north Texas, which was significantly (P=0.05) greater than the cultivars Harrison (92.3 bu/a), Nora (78.1 bu/a), and TAMO 397 (93.5 bu/a) (Table 3). The grain yield of Dallas (96.2 bu/a) was the only commercially available oat cultivar in the same statistical group as TX96D093 over the five year period in north Texas. In individual years, TX96D093 was significantly higher yielding than Dallas in 2001 and 2002 and not significantly lower yielding in any of the 5 years tested. This indicates that TX96D093 can take advantage of a longer vegetative growing season (see 2001 and 2002 heading dates in Table 4) and also perform well under shorter growing seasons. The test weight of TX96D093 was 36.6 pounds/bushel in north Texas over four testing years (Table 3). This test weight was significantly (P=0.05) less than TAMO 397 (37.8 lb/bu), significantly greater than Dallas (35.4 lb/bu), and the same as Harrison (37.7 lb/bu) and Nora (37.2 lb/bu).

Table 3. Grain yield (bu/a) and test weight (lb/bu) summary of TX96D093 and check cultivars in the Uniform Oat Elite trial from 1999 through 2003 in north Texas.*

Cultivar	Grain Yield Harvest Year					5-yr yield avg.	Test Weight Harvest Year				4-yr TW avg.
	1999	2000	2001	2002	2003		2000	2001	2002	2003	
TX96D093	101.0	112.6	94.6	110.0	90.2	101.7	39.4	34.3	35.8	36.8	36.6
Dallas	102.0	113.9	69.8	101.6	93.7	96.2	40.6	31.6	34.4	35.2	35.4
Harrison	91.0	99.2	71.4	102.9	96.9	92.3	40.2	34.3	37.9	38.5	37.7
Nora	65.5	93.6	62.5	93.2	75.7	78.1	39.7	32.1	37.7	39.2	37.2
TAM-O-397	73.2	104.4	89.8	83.0	117.1	93.5	40.0	37.8	35.4	38.1	37.8
Mean	86.5	104.7	77.6	98.2	88.6	92.4	40.0	34.0	36.2	37.6	36.9
LSD (5%)	11.1	11.3	10.1	7.0	22.7	6.9	0.9	1.6	1.2	---	1.1
CV (%)	15.7	9.4	18.3	8.8	10.3	11.3	2.7	6.6	3.9	---	14.2
No. locations	3	3	4	3	1	14	3	4	3	1	11

**Locations: 1999 and 2000 – Prosper, Era, and Howe; 2001 – Dallas, Prosper, Era, and Howe; 2002 – Prosper, Cooke Co., and Ellis Co.; and 2003 – Prosper.*

The total forage yield (dry matter pounds/acre) of TX96D093 and check cultivars was measured by Dr. L. Nelson (TAES) in Overton, TX from 2002 through 2004, and by scientists at the Samuel Roberts Noble Foundation in Ardmore and Burneyville, OK in 2002 and 2004 (Table 4). At Overton, the three-year forage average for TX96D093 was statistically the same as the check cultivars. Over the two testing years in Ardmore, TX96D093 had significantly greater forage yields than Dallas and Harrison. At Burneyville, TX96D093 had significantly greater forage yields than Harrison and Horizon 314, but significantly less than Dallas. Averaged over all seven location-years, there was no significant difference in forage yield between TX96D093, Dallas, and Horizon 314 (Table 4). The distribution of forage production over the growing season was the same among all the oat cultivars tested (data not shown).

Table 4. Total forage yield (lb/a) summary of TX96D093 and check cultivars from Overton, TX in 2002, 2003, and 2004; and Ardmore and Burneyville, OK in 2002 and 2004.

	Overton, TX				Ardmore, OK			Burneyville, OK			
	2002	2003	2004	3-yr avg	2002	2004	2-yr avg	2002	2004	2-yr avg	7-loc-yr avg
TX96D093	7335	6374	5854	6521	5160	5895	5527	4303	4815	4559	5677
Dallas	7133	5882	7041	6685	4283	5391	4837	4293	5948	5120	5710
Harrison	7132	5424	----	----	4901	5285	5093	3554	4501	4027	----
Horizon 314	6189	5875	6878	6314	5466	5192	5329	3950	4536	4243	5440
TAM-O-397	5502	6532	6020	6018	----	----	----	----	----	----	----
Mean	6658	6017	6448	6384	4952	5440	5196	4025	4950	4487	5609
LSD (10%)	660	495	573	563	1072	942	415	929	951	369	295
CV (%)	11	9	10	11	14	11	8	15	14	8	10

Performance in the USDA/ARS Uniform Winter Oat Yield Trial (UWOYT)

The UWOYT tests the best oat lines from each breeding program in comparison to a set of checks that represent oat cultivars grown in the eastern and south-eastern United States (13 States in all). TX96D093 was entered into the UWOYT for three years, 1999, 2001, and 2002 (Table 5). Over the 42 location-years of yield testing, TX96D093, at 108.1 bu/a, had significantly greater grain yield than Florida 501 and TAMO 397, and the same yield as Harrison, Brooks, and Rodgers (Table 5). The test weight of TX96D093 (34.3 lb/bu) was the same as Harrison and Florida 501, and significantly greater than Brooks, Rodgers, and TAMO 397. TX96D093, at 108.2 days from January 1, was significantly later in heading than Florida 501 and TAMO 397, yet had the same heading date as Brooks, Harrison, and Rodgers. The height of TX96D093 was 40.1 inches, which was significantly shorter than Brooks, Harrison, Rodgers, and TAMO 397. TX96D093 rated an average of 2.6 lodging, the same as the other check cultivars with the exception of Florida 501, which had significantly more lodging. The amount of winter kill in TX96D093 was quite low (11.7%), which was significantly less than Florida 501. TX96D093 exhibited moderate resistance (1.3) to crown rust, similar to Florida 501 and Harrison, significantly better than Rodgers and Brooks, but less resistant than TAMO 397. The average rating of TX96D093 to Cereal Yellow Dwarf Virus was 2.4, which was not significantly different from the check cultivars.

Table 5. Performance, agronomic, and disease characteristics of TX96D093 and check cultivars grown in the USDA/ARS Uniform Winter Oat Yield Trial for the three-year period of 1999 through 2001.*

Cultivar	Yield (bu/a)	Test weight (lb/bu)	Heading (days from 1 Jan)	Height (inches)	Lodging (0-9)**	Winter kill (%)	Crown rust (0-9)**	CYDV (0-9)**
TX96D093	108.1	34.3	108.2	40.1	2.6	11.7	1.3	2.4
Brooks	102.2	31.8	105.6	43.1	3.8	24.4	5.1	2.2
Florida 501	91.6	34.0	103.5	39.7	6.7	43.9	1.6	3.5
Harrison	111.4	35.1	105.0	43.5	2.6	14.1	1.7	2.8
Rodgers	106.0	32.2	105.2	43.6	2.8	17.5	4.0	2.4
TAM-O-397	95.4	32.1	103.3	41.2	1.4	34.9	0.0	2.2
Mean	102.5	33.3	105.1	41.9	3.3	24.4	2.3	2.6
LSD(5%)	7.3	1.1	3.3	0.7	1.3	28.3	1.1	NS
CV(%)	3.9	1.8	1.7	0.9	21.9	63.7	25.8	32.1
No.loc-yrs	42	40	31	30	23	8	12	9

**Testing locations included: Pratteville, AL, Stuttgart, AR, Quincy, FL, Griffin and Plains, GA, Baton Rouge, LA, Keedysville, MD, Brookeville, MS, Kinston, NC, Wooster, OH, Clemson and Florence, SC, Knoxville, TN, College Station, Overton, and Prosper, TX, and Warsaw, VA.*

***All zero-to-nine scales are from zero = best, to nine = worst.*

Disease Resistance

TX96D093 is susceptible to the crown (caused by *Puccinia coronata*) and stem rust (caused by *P. graminis* f. sp. *avenae*) races prevalent in Texas The reaction of TX96D093 to cereal yellow dwarf virus (CYDV, also known as barley yellow dwarf virus) has been moderate, similar to Harrison and TAMO 397 (Table 5).

REPRODUCE LOCALLY. Include form number and edition date on all reproductions. FORM APPROVED - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued *(7 U.S.C. 2421)*. The information is held confidential until the certificate is issued *(7 U.S.C. 2426)*.

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
Texas Agricultural Experiment Station	TX96D093	TAMO 606
4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP, and Country)*	**5. TELEPHONE** *(Include area code)*	**6. FAX** *(Include area code)*
Office of the Director, TAES 2147 TAMU College Station, TX 77843-2147	(979) 845-4747	(979) 458-4765
	7. PVPO NUMBER	#200700451

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. **If no, please explain.** ☑ **YES** ☐ **NO**

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? **If no, give name of country.** ☑ **YES** ☐ **NO**

10. Is the applicant the original owner? ☑ **YES** ☐ **NO** **If no, please answer one of the following:**

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?
☐ **YES** ☐ **NO** **If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?
☐ **YES** ☐ **NO** **If no, give name of country**

11. Additional explanation on ownership *(Trace ownership from original breeder to current owner. Use the reverse for extra space if needed)*:

Russell Sutton, a TAES employee located at TAES' facilities in Dallas, Texas, directed the final selections that led to development of the 'TAMO 606' cultivar. TAES policy and handbook manual provide that all germplasm and varieties developed by its employees in the course of their duties are owned by TAES. A copy of this policy is provided for your records.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

#200700451

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STANDARD PROCEDURE

MANAGEMENT AND RELEASE OF NEW PLANT MATERIALS

1.00 PURPOSE AND BACKGROUND

The purpose of this document is to outline guidelines for the management and transfer of plant materials developed by the Texas Agricultural Experiment Station (Experiment Station) recognizing diversity in agronomic, horticultural, and industrial plant programs. The terms "plant material" and "seed" are intended to be all-inclusive, including vegetatively propagated plant materials, such as sprigs, rhizomes, or buds.

The Experiment Station, as part of the Texas A&M University System (System), and in cooperation with the Texas Agricultural Extension Service (Extension), conducts research in crop breeding and genetic improvement to benefit the public and support the educational mission of Texas A&M University (TAMU), including the development and release of improved germplasm and new crop cultivars.

The Experiment Station, part of the public agricultural research system, has a broad mission to serve agriculture, particularly farmers and the general public. Farm, commodity, and trade organizations are encouraged to provide suggestions to enhance crop improvement and the distribution of new plant materials. Plant materials are considered as intellectual property and are owned and managed by the Experiment Station, under System policies.

Three basic goals are summarized in Section 2.00 to guide release decisions. General guidelines and methods are outlined in Section 3.00 for transferring plant material for private and commercial uses. The classification of plant materials and types of releases is intended to assist both the breeder and seed users in understanding some alternatives in managing releases. Partnerships, joint incentives, and sharing of research materials are encouraged.

DISTRIBUTION:	APPROVAL:
ALL HANDBOOKS	Edward A. Hiler EDWARD A. HILER

2.00 GOALS IN PLANT MANAGEMENT AND RELEASE

Three general goals provide the basic criteria for the management of plant materials and release decisions. These goals include:

A. Maximize Public Benefit. Plant material must be utilized by farmers and consumers to benefit the public. Plant material must be increased and managed to retain genetic purity. Variety or designated names provide identity and recognition to the originator of the improved plant materials. Commercial production and the distribution of plant releases are essential for both large and small acreage crops. Protection agreements and licensing provisions are frequently necessary to complete research and assure transfer of materials to the private sector.

B. Assure Technology Transfer to the Private Sector. The Experiment Station serves as a primary producer and distributor of new plant materials and depends upon the private sector to increase and market seed. State and federal plant protection provisions, protected names, trademarks, and/or markers (such as biochemical identification) may be useful in transferring technology to the private sector.

C. Recover Costs and Generate Revenue. The generation of funds through seed sales, fees, and other business terms is essential to recover some development costs and protection expenses, maintain competitive science, and enhance future crop improvement research. Financial terms and license provisions on plant materials must be realistic and consistent with the biological potentials and business environment.

3.00 GENERAL GUIDELINES AND KEY PARTICIPANTS

A. General Guidelines are outlined below for the orderly equitable release, distribution, and protection of plant materials.

Partnerships and Cooperation. The Experiment Station is responsible for research in crop breeding and genetic enhancement and assuring the timely transfer of this work to agricultural, scientific and industrial communities. Cooperation among the faculty and between faculty and external scientific and industrial interests is essential. Private interests are increasingly providing resources for research, in return for some preferential access to plant products and new technology. The commercialization of research had been encouraged both by Legislative mandates to the Experiment Station and through actions by the Board of Regents to provide financial incentives to faculty and staff to develop products or services of commercial usefulness.

Plant Release Proposals - Early discussion with Texas Foundation Seed Service (TFSS), the Plant Review Committee (PRC), and the System Technology Licensing Office (TLO) is encouraged in planning a new release. The breeder generally assumes a lead responsibility for preparing and submitting the Release Proposal (outlined in Section 5.00). Plant material is considered to be owned and under the stewardship of the Experiment Station. If a decision is made to not release particular plant materials, then the disposition and use of that material remains the discretion of the Experiment Station.

Exchange and Distribution. Exchange of plant material for breeding and genetic research is encouraged for public institutions and private industry and may include regional testing, Extension trials, and cooperative evaluations. "Selected Plant Materials" (see Section 4.00) may be provided to private firms, public breeders, grown on private lands, or placed with a private producer for further commercial evaluation before it is formally released.

Transfer and Protection - The formal release and transfer of new plant materials will usually involve public notices of availability and may involve Requests for Proposals or expressions of interest from private firms and/or the transfer of intellectual property rights through the use of licenses and agreements. The Experiment Station, in conjunction with the Breeder and the TLO, will consider applications for the appropriate intellectual property protection such as Certificates of Plant Variety Protection, Plant Patents, or Utility Patents in facilitating the transfer and protection of new plant materials. Additionally, in some instances individual firms and/or industrial groups may enter into research or partnership agreements on intellectual property, to gain access to genetic products.

Distribution of any plant material should be documented to avoid premature release, unauthorized distribution, misunderstandings over ownership, or loss of intellectual property rights. Protection agreements during research help assure that private firms can acquire rights and marketing opportunities later and/or protect their investment in marketing new products. Material Transfer Agreements (MTAs) are to be used in providing material to private firms and public agencies for evaluation (with copies filed with Texas Foundation Seed Service and the Technology Licensing Office).

B. Roles of Key Participants

Scientific quality, summary of research, review of proposals, and technology transfer involve several individuals and groups working together. Successful plant release includes institutional flexibility to meet the needs of each crop or release. Roles of primary participants are outlined as follows:

Plant Breeders and other scientists provide the major leadership in research and the release of plant materials. Responsibilities include research planning, periodic reviews on future releases, assuring materials are adequately protected, preparation of release proposals, and suggesting ways to implement release. A team is frequently involved with a release and may involve several disciplines and recognition of co-worker contributions.

Cooperative evaluations are encouraged, particularly with Extension Specialists. The Plant Review Committee commonly looks for Extension participation on new variety releases. Breeders maintain Breeder Seed and may provide technical or advisory assistance to TFSS, TLO or commercial firms.

Department Heads and Resident Directors provide a key role in crop improvement programs by guiding coordination between disciplines, and helping assure the TFSS, TLO and others are aware of potential releases. These Administrative Heads provide a vital linkage in planning, implementation and guidance for the total crop improvement program.

Program Coordinators provide communication among the developers of plant materials, the seed industry, and crop producers on scientific progress and the transfer of new materials into crop productions. The Head of the Department of Soil and Crop Sciences and Resident Director of Research at the Texas A&M Agricultural Research and Extension Center at Beaumont serve as Program Coordinators for all field crops and turfgrass, while the Head of the Department of Horticultural Sciences serves as the Program Coordinator for fruit, vegetable, and nut crops, including emphasis on industry relationships. Activities of Program Coordinators include:

1. Effective communication among breeders, department heads, resident directors, and with industry and producer interests;
2. Development of new partnerships between the Experiment Station and industry/producer interests, plus industry relationships and liaison with industry associations;
3. Advising the Director on release and licensing issues, and interacting with the Technology Licensing Office as appropriate. The Coordinators will report to the Director of the Experiment Station in these roles.

The Texas Foundation Seed Service, located at Vernon, will be responsible for the production of foundation seed and assisting breeders in the production of breeder's seed, as requested, and/or where required by a contract or license agreement managed by the TLO. The operation is expected to be largely self-sufficient.

TFSS works with TLO, other Foundation Seed organizations, Crop Improvement Associations in other states, the Texas Department of Agriculture, USDA, and other state and federal agencies. When plant materials are licensed or managed under an agreement, TFSS works closely with the TLO.

TFSS works with a lead Extension Specialist to coordinate seed for county and regional field tests, manages the increase and distribution of foundation seed stock and handles revenues from seed sales and nonlicensed products.

The Plant Review Committee (PRC) is a standing internal committee appointed by the Director of the Experiment Station to oversee the orderly release of plant materials, provide guidance to TFSS and TLO, and to make recommendations to the Director of the Experiment Station on plant materials. Activities of the PRC include:

1. Establish technical review panels to evaluate release proposals.
2. Hold quarterly meetings to review release proposals and meet with breeders who are planning releases, and act on release proposals.
3. Provide recommendations to the TFSS, TLO and Director's Office on release proposals, cultivar names, and agreements on licensing and advise the Director of the Experiment Station on release and licensing issues. If a question arises between faculty on "proportional creativity" or royalty sharing, the PRC may make recommendations to the Experiment Station Director.

The Technology Licensing Office is involved in initial discussions and planning with breeders, unit heads, Program Coordinators, and TFSS on planned releases suitable for licensing. In conjunction with the Program Coordinators and breeders, the TLO provides leadership and initiative for the protection and management of intellectual property for new releases including the following services:

1. Management of license and royalty agreements;
2. Marketing of new selected plant materials to commercial firms;
3. Development and negotiation of license and evaluation agreements;
4. Management of intellectual property protection;
5. Advice on business strategies and intellectual property protection issues; and
6. Advises and keeps the Assistant Vice Chancellor for Administration (Agriculture) who represents the Experiment Station apprised of all services provided by the TLO in the management of new plant materials.

4.00 TYPES OF RELEASES AND PROTECTION

A. Classes of Material - Improved plant materials may result from genetic manipulation by plant breeding and/or molecular and cellular biology. For purposes of management and release, plant materials are classified as follows:

1. Genetic Stocks: Research in plant breeding, genetic and/or cellular and molecular biology may produce unique genetic characteristics or distinct genetic materials useful to other researchers. Examples include specific genetic characters, genes or gene constructs involving vectors, and promoters. An essential characteristic of genetic stocks is that they have no immediate commercial value.

2. Germplasm: Germplasm is commonly used to further research, with little value for increase or direct commercial use in its present form. However, some desirable characters may be immediately useful to breeders and industry in developing improved varieties in other research programs.

3. Breeding Lines: Breeding lines may contain useful characteristics of unique traits with apparent commercial value. Breeding lines may be increased in their present form, used for selection, or tested further before commercialization. The Experiment Station may choose to release some advanced materials as "breeding lines" rather than continue research for commercial applications as varieties or inbred lines.

4. Selected Plant Material: Selected plant materials may be transferred to public or private firms for cooperative research, usually under a protection agreement, for further development, feasibility studies, or commercial exploration.

5. Commercial Varieties or Parental/Inbred Line: These plant materials are released for direct commercialization as new varieties or production of hybrids; release depends on clear demonstration of performance or traits in several experiments over several years, locations and/or conditions.

B. Types of Releases and Transfer

Release of plant materials is based on several factors (such as crop species, means of propagation, and commercial potential). Flexibility is essential to meet specific economic, biological or industry needs. Alternatives for release and distribution of plant materials include:

1. Unrestricted Unlimited Release - An Unrestricted Unlimited Release is intended for general uses of those plant materials with undefined uses or low commercial potential, without any restrictions on research or commercialization uses. One-time fees may be requested to recover costs.

2. Restricted Release - A Restricted Release designates specific uses for plant material, with an agreement with recipients, noting restrictions, applications, and mutual interests.

3. Limited Release - A Limited Release involves specific recipients, to enable selected firms to use plant materials. Agreements may be developed with a small number of firm(s), firms selected on the basis of their proposal, and/or provide a protected position for a single firm or organization to complete research and/or assume commercial development. Limited Releases are usually managed under a license or option agreement, with financial terms and performance expectations.

4. Unreleased Transfer - Some plant materials may not be immediately released but simply provided to others for additional research or commercial feasibility studies. "Selected Plant Materials" may be managed under a Material Transfer Agreement or an Option Agreement, until specific traits and usefulness are determined and a formal release is proposed.

C. Pre-release Protection is essential to clarify ownership and transfer uses and rights to others later. Material Transfer Agreements (MTAs) and other sample documents are available from TLO. A copy of all pre-release documentation (MTA's and other documents) should be provided by the breeders to the Technology Licensing Office, Foundation Seed Service and Program Coordinators.

Exchange of plant materials for research uses with other public breeders may be handled directly by the breeders, through an MTA with the (1) identification and quantity of materials being provided to a co-worker, (2) clarifying the anticipated uses for breeding and research purposes, (3) stating that the Experiment Station retains its ownership, and (4) obtaining written acknowledgment from the recipient.

Field testing and commercial scale evaluations are encouraged, involving other breeders, Extension Specialists, farmers or others. Most commonly seed for one season is provided for field trials and is not to be retained or transferred to others. An MTA should be completed with farms or cooperators to clarify expectations.

5.00 THE RELEASE PROPOSAL AND PROCESS

A. Release proposals are prepared by the breeders and summarize the background, current facts, and plant performance/traits. The release proposal may vary in detail, depending on the class of plant material (please see Section 4), however all release proposals should include these sections:

1. Background - information on the source, origin, or breeding history.
2. Performance and Traits - summary of key features, data, anticipated usefulness, and/or disclosure limitations or unknown features. This section may be brief for germplasm and more detailed for a variety (including details on yields, statistics, quality, host plant resistance, and regions of adaptation).
3. Seed production and availability - type and quantity of seed availability for increase or distribution.
4. Implementation - breeder's suggestion on notifications, release and distribution, and guidance for outreach (including protection as appropriate) and revenue sharing (for royalties, if others were involved in the creative development).

The Release Proposal should be prepared for internal review with sufficient data and information for a peer group to evaluate merits and make decisions. Alternatively, the Release Proposal may be prepared (or later converted) as a Station publication, to document research and provide technical information for others.

B. Registration Article (for submission to a professional journal) should be with the proposal for a new variety or germplasm release. Include a draft of the Experiment Station Leaflet for new varieties. The original and 15 copies of the entire package Release proposal, Registration Article, and Leaflet (as appropriate) should be submitted through the administrative head and Program Coordinator to the PRC (with one copy to the Foundation Seed Office) eight weeks before the quarterly PRC meetings. Additional information on preparing and submitting releases is available from the PRC Chair.

C. Revenue Distribution

Royalties or income generated form the commercialization of plant materials will be distributed to the inventors on all types of plant material, according to the TAMU System policy on intellectual property (System Policy 17.02, Patents). Scientists involved in the development of plant materials that generate royalties or income under a license or option agreement must agree in advance regarding proportionate contributions and sharing of expected income prior to the distribution of such income.

(This revision replaces Standard Procedure 1250A, dated August 3, 1992)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S)	ADDRESS *(Street and No. or RD No., City, State, and Zip Code and Country)*	TEMPORARY OR EXPERIMENTAL DESIGNATION
Texas Agricultural Experiment Station	Office of the Director, TAES 2147 TAMU College Station, TX 77843-2147	TX96D093
		VARIETY NAME TAMO 606
NAME OF OWNER REPRESENTATIVE (S)	ADDRESS *(Street and No. or RD No., City, State, and Zip Code and Country)*	FOR OFFICIAL USE ONLY
Mark A. Hussey	Office of the Director, TAES 2147 TAMU College Station, TX 77843-2147	PVPO NUMBER #200700451

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Mark A Hussey
Signature

9/9/2007
Date